IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2273 OF 2004

M/s.Shanti Instruments Pvt. Ltd.
Proprietors of
M/s.Shanti Electric Instruments : Petitioners

V/s.

Shri Raghunath Pundlik Waingade & Anr. : Respondents

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Mr.S.K.More i/b. Mr.S.M.Naik for the petitioners.

Mr.G.N.Salunke for respondent no.1.

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CORAM : F.I. REBELLO, J.

October 1, 2004.

P.C.:

Rule, returnable forthwith.

Mr.Salunke waives service of rule on behalf of respondent no.1.

Heard by consent.

2. By an award dated 8.8.2003, the petitioners were directed to reinstate respondent no.1 immediately with 75% back wages from the date of dismissal i.e. 22.12.1994. Respondent no.1 has already been reinstated. The limited

question, therefore, is of back wages.

3. The learned Presiding Officer found that considering respondent no.1's alleged absence of 13 days in a year spread over a period of 12 months, the punishment of dismissal was harsh and shockingly disproportionate and in these circumstances, he was pleased to direct reinstatement with 75% back wages. The order of dismissal was dated 21.12.1994. The order of the Labour Court was dated 8.8.2003.

4. The only point is whether this Court ought to interfere with the order of back wages of 75%. Considering the fact that the award of reinstatement has been implemented by the employer, to my mind, the ends of justice would be met if 75% back wages is reduced to 50%. Rest of the award is maintained. Accordingly, the award is amended to the extent that 75% back wages is reduced to 50% back wages. Needless to say that back wages be paid to respondent no.1 workman within 12 weeks from today.

5. The rule is partly made absolute in the aforesaid terms with no order as to costs.

Sd/-

(F.I. REBELLO, J.)